	Application No.	Applicant(s)
Notice of Allowability	10/791,668	CROWLEY, ROBERT JOSEPH
	Examiner	Art Unit
	Tho G. Phan	2821
	Tho G. Phan	2021
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this or other appropriate communical IGHTS. This application is subjection.	application. If not included tion will be mailed in due course. THIS
1. This communication is responsive to <u>a response received</u>	<u>on 8/29/06</u> .	
2. The allowed claim(s) is/are 19-37 and 39-43.		
 3. ☐ Acknowledgment is made of a claim for foreign priority ur a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 		
2. ☐ Certified copies of the priority documents have		
3. ☐ Copies of the certified copies of the priority do		
International Bureau (PCT Rule 17.2(a)).		and the second s
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		ply complying with the requirements
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give		
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.	
(a) including changes required by the Notice of Draftspers	son's Patent Drawing Review (Pl	FO-948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	s Amendment / Comment or in th	e Office action of
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t	.84(c)) should be written on the dra he header according to 37 CFR 1.1	awings in the front (not the back) of 21(d).
6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT		
Attachment(s) 1. Notice of References Cited (PTO-892)	5. ☐ Notice of Informa	al Patent Application
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summa	ary (PTO-413),
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	Paper No./Mail 7. ☐ Examiner's Ame	
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. 🛭 Examiner's State	ement of Reasons for Allowance
•	9. Other	
		Tho G Phan Primary Examiner Art Unit: 2821

Application/Control Number: 10/791,668 Page 2

Art Unit: 2821

DETAILED ACTION

Allowable Subject Matter

1. The following is a statement of reasons for the indication of allowable subject matter: Claim 19 is allowable over the art of record because the prior art does not teach a resonant nanotube structure responsive to electromagnetic energy, the nanotube structure comprising: an ordered array of resonant nanotubes arranged on the substrate, and in combination with the remaining claimed limitations.

- 2. Claim 28 is allowable over the art of record because the prior art does not teach a nanotube gap device for detecting electromagnetic energy comprising a periodically ordered array of carbon nanotube elements arranged perpendicular to the substrate, wherein the array of nanotube elements are arranged at a fixed position relative to one another to define a gap between, and in combination with the remaining claimed limitations.
- 3. Claim 32 is allowable over the art of record because the prior art does not teach an ordered array of electromagnetic responsive nanotubes comprising a metal catalyst arranged in an ordered array on the substrate, wherein the nanotubes are arranged to extend away from the substrate, and in combination with the remaining claimed limitations.
- 4. Claim 37 is allowable over the art of record because the prior art does not teach a nanotube band gap device having a substrate with an ordered array of nanotubes thereon, and wherein the nanotubes are responsive to electromagnetic energy and in combination with the remaining claimed limitations.

Art Unit: 2821

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho G. Phan whose telephone number is 571-272-1826. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callahan Timothy can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tho G Phan
Primary Examiner
Art Unit 2821